

**APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT
GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.**

TERMS OF REFERENCES AND SPECIAL CONDITIONS OF THE BID

GAAL/113/2024/2025

**APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL
SERVICES AS AN REQUIRED FOR A PERIOD OF THREE YEARS WITH A
RENEWABLE OPTION OF TWO YEARS AT GATEWAY AIRPORT
AUTHORITY LIMITED (GAAL).**

CLOSING DATE AND TIME OF BID

23 AUGUST 2024 AT 11H00

BID VALIDITY PERIOD: 150 DAYS FROM THE CLOSING DATE

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The bidder is required to indicate areas of specialization by ticking on the below table:

No.	Service Categories	Please Tick ✓
1.1.1	Aviation Law	
1.1.2	Public Private Partnership	
1.1.3	Project Finance	
1.1.4	Commercial and Contract Law	
1.1.5	Civil Litigation	
1.1.6	Labour and Employment Law	
1.1.7	Constitutional Law	
1.1.8	Administrative Law	
1.1.9	Corporate Law	
1.1.10	Insurance Law	
1.1.11	Corporate Governance	
1.1.12	Supply Chain Management	
1.1.13	Competition Law	
1.1.14	Environmental Law	
1.1.15	Data Privacy Law	
1.1.16	Cyber Law	
1.1.17	Conveyancing	
1.1.18	Medical and/or Health law	

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1. TENDER DETAILS

1.1 Invitation to Tender

Tender Number: GAAL/113/2024/2025.

Issue Date: 19 July 2024

Gateway Airport Authority Limited (**hereinafter “GAAL”**) invites you to submit a tender for **APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES, AS AN WHEN REQUIRED.**

The Gateway Airport Authority (GAAL) hereby invites suitable qualified attorneys to provide submissions for the procurement of the services of qualified and experienced service providers (Law Firms), with demonstrated capability to assist the GAAL in the following fields of law:

- Public Private Partnership;
- Project Finance;
- Aviation Law
- Commercial and Contract Law;
- Civil Litigation;
- Labour and Employment Law;
- Constitutional Law;
- Administrative Law;
- Corporate Law;
- Insurance Law;
- Corporate Governance;

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- Supply Chain Management;
- Competition Law;
- Conveyancing;
- Data Privacy Law;
- Cyber Law
- Environmental Law
- Medical and/or Health Law

The bid closes on **23 August 2024 at 11:00**. Bids must be submitted and deposited in the Tender Box at the **GAAL Admin Block Offices, Gateway Drive, N1 North to Makhado, Polokwane, 0700**. No late Tender will be considered.

A two-gates process in evaluation of tender offers comprising of (a) administrative and mandatory requirements criteria, and (b) Functionality Criteria, and firm/s will be required to meet a minimum of 60 points on functionality to be listed on GAAL Panel of Attorneys for a period of three (3) years.

Gate 0: Administrative and Mandatory Requirements:

Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:

- The firm must provide a confirmation letter of good standing from Legal Practice Council (LPC) of South Africa for the firm.
- The firm must submit valid certified copies of Fidelity Fund certificates for all Directorship/Partnership.
- The firm must provide the certificates of admission to practice as a legal practitioner for all professional legal practitioners.

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- All proposed professional legal key personnel (as per organogram) must be registered with the relevant statutory/professional body and must submit proof of registration e.g, Legal Practice Council (LPC) etc.

Note:

- Any Counter offers will lead to disqualification, (any bidder/s who exceeds the hourly rate as per the pricing schedule below, will be disqualified).
- The bidder/s who's listed on National Treasury list of restricted suppliers will be disqualified.
- If any of its Directors are Listed on the Register of Defaulters will be disqualified.

The Tender document will be available on the GAAL's website- www.gaal.org.za and E-Tender Portal (National Treasury), from **19 July 2024**.

1.2 Tender Data

The GAAL Standard Conditions of Tender make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the event of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.



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Clause number	1.2 Tender Data
1.2.1	<p>The <i>Employer</i> is GATEWAY AIRPORT AUTHORITY LIMITED</p> <p>The GAAL <i>Representative</i> is: Mr. Julius Ramatjie, Tel. (087) 291 1088 or e-mail: scmgroup@gaal.co.za</p> <p>GAAL Head Office Gateway Drive N1 North to Makhado Polokwane 0700</p> <p>Tel: (087) 291 1088 Website: www.gaal.co.za</p>

1.2.2	<p>Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:</p> <ul style="list-style-type: none"> • The firm must provide a confirmation letter of good standing from Legal Practice Council (LPC) of South Africa for the firm, issued within two months of the closure of the tender date; • The firm must submit valid certified copies of Fidelity Fund certificates for all Directorship/Partnership. • All proposed professional legal key personnel (as per organogram) must be registered with the relevant statutory/professional
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	<p>body and bidders must submit proof of registration e.g., Legal Practice Council (LPC) etc.</p> <p>Note:</p> <ul style="list-style-type: none"> • Any Counter offers will lead to disqualification ((any bidder/s who exceeds the hourly rate as per the pricing schedule below, will be disqualified). • The bidder/s who's listed on National Treasury list of restricted suppliers will be disqualified. • If any of its Directors are Listed on the Register of Defaulters will be disqualified. <p><i>Any bidder/s who failed to meet the above requirements will be disqualified.</i></p> <ul style="list-style-type: none"> • The bidder is required to submit with his / her bid the proof of Registration on the Central Supplier Database (CSD) and or CSD Number. • The firm must submit fully completed and signed Standard Bidding Documents. • The bidder is required to submit a proof of business address e.g., utility bill or lease agreement or proof of ownership, equivalent proof of address etc.
1.2.3	<p>Prospective bidders are encouraged to submit their requests for clarification in writing before the closing date. However, shall respond to requests for clarification received up to 7 calendar days prior to tender closure (i.e., 16 August 2024, 16h00 pm).</p>



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1.2.4	<p>The tender shall be for the entire services for:</p> <p>APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES AS AND WHEN REQUIRED.</p> <p>REF: GAAL/113/2024/2025</p>												
1.2.6	<p>The tender shall be submitted as an original, failure to comply will result in disqualification of the tender. The tender document must be a hard copy file (one file marked “original”) divided into folders as follows:</p> <ul style="list-style-type: none"> • As per List of Returnable Documents. • Financial <p>Bidder/s participating on this tender for panel of attorneys must price within the High Court tariffs.</p> <table border="1" data-bbox="336 1339 1447 1592"> <thead> <tr> <th colspan="2">PRICING SCHEDULE: FEES FOR DEFENDED AND OPPOSED MATTERS</th> </tr> <tr> <th>Position</th> <th>Rate per hour (Excl. VAT)</th> </tr> </thead> <tbody> <tr> <td>Director/Partner</td> <td>R</td> </tr> <tr> <td>Senior Associate</td> <td>R</td> </tr> <tr> <td>Associate</td> <td>R</td> </tr> <tr> <td>Candidate Attorney</td> <td>R</td> </tr> </tbody> </table> <p>NB: Please submit Pricing Schedule for various disciplines on your letter Head. Please note that disbursements will be made in accordance with the High Court tariff fees.</p>	PRICING SCHEDULE: FEES FOR DEFENDED AND OPPOSED MATTERS		Position	Rate per hour (Excl. VAT)	Director/Partner	R	Senior Associate	R	Associate	R	Candidate Attorney	R
PRICING SCHEDULE: FEES FOR DEFENDED AND OPPOSED MATTERS													
Position	Rate per hour (Excl. VAT)												
Director/Partner	R												
Senior Associate	R												
Associate	R												
Candidate Attorney	R												
1.2.7	The Tender Validity period is 150 days from the closing date.												
1.2.8	The Invitation to Tender number is: GAAL/113/2024/2025.												

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1.2.9	The deadline for tender submission is 11h00 23 August 2024.
1.2.10	<p>The tender shall be addressed to the GAAL as follows:</p> <p>GATEWAY AIRPORT AUTHORITY LIMITED</p> <p>APPOINTMENT OF A PANEL OF ATTORNEYS FOR THREE (3) YEARS TO PROVIDE LEGAL SERVICES AS AN WHEN REQUIRED.</p> <p>Physical Address for delivery of tender:</p> <p>GAAL Office Gateway Drive N1 North to Makhado Polokwane 0700</p> <p>Marked confidential tender No.: GAAL/113/2024/2025</p> <p>The place for delivery of the tender is the GAAL Tender Box located at:</p> <p>THE TENDER BOX</p> <p>ADMIN BLOCK AT THE PHYSICAL ADDRESS GIVEN ABOVE.</p>
1.2.12	<p>The Bids will be evaluated on Technical Functionality Requirements and Procedures. Firms must score a minimum of 60 points on functionality to be listed on GAAL Panel of Attorneys.</p>



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Terms and Conditions

This Invitation to Tender has been compiled by GAAL. It is being made available, on the same basis, to all Tenders. Tenderers submitting a Tender in response to this invitation will be deemed to do so on the basis that they acknowledge and accept the terms set out below:

- The Tenderer's attention is specifically drawn to the fact that appointment to the panel of attorneys will not necessarily result in the Tenderer receiving instructions from the GAAL. The GAAL shall endeavor to instruct the firms on its panel attorneys on a rotational basis.
- GAAL reserves the right to subject Tenderers and their facilities to assessment as part of the evaluation process or as a condition to be appointed to the panel of attorneys.
- The GAAL reserves the right to amend, modify or withdraw this Invitation to Tender or amend, modify, or terminate any of the procedures or requirements set out herein at any time and from time to time, without prior notice and without liability to compensate or reimburse any person.
- Neither the GAAL nor any of their respective directors, officers, employees, agents, representatives or advisors will assume any obligation for any costs or expenses incurred by any party in or associated with preparing or submitting a Tender in response to the Invitation to Tender.
- Any material change in the control and/or composition of any Tenderer or any core member of a Tenderer after submission of a Tender, shall require the prior written

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approval of the GAAL, and any failure to seek such approval from the GAAL shall result in the GAAL being entitled, in its sole discretion, to exclude the relevant Tenderer from any further participation in the Tender process. GAAL shall be the sole arbiter as to what constitutes a “material change in the control and/or composition of any Tenderer”, and as to what constitutes a “core member of a Tenderer” for purposes of such approval. Any request for such approval shall be made to the GAAL in writing and shall provide sufficient reasons and information to allow the GAAL to make a decision. The GAAL reserves the right to accept or reject any such request for approval in its sole discretion.

- Any requirement set out in this Tender that stipulates the form and/or content of any aspect of a Tender, is stipulated for the sole benefit of the GAAL, and save as expressly stated to the contrary, may be waived by the GAAL in its sole discretion at any stage in the Tender process.
- GAAL and its advisors may rely on a Tender as being accurate and comprehensive in relation to the information and proposals provided therein by the Tenderers.
- All Tenders submitted to the GAAL will become the property of the GAAL and will as such not be returned to the Tenderer. Proprietary information should be identified as such in each proposal.
- If the GAAL amends this Tender, the amendment will be sent to each Tenderer in writing. No oral amendments by any person will be considered or acknowledged.

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- This document is released for the sole purpose of responding to this Tender and must be considered confidential. In addition, the use, reproduction or disclosure of the requirements, specifications or other material in this Tender is strictly prohibited.
- Only legal practices established and registered in accordance with the provisions of the Attorneys Act, 1979 (Act No. 53 of 1979 as amended) will be considered for this Tender.
- The requirements of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and Preferential Procurement Regulation 2022 will be applicable to the selection process in respect of this Tender.

1.3 Background and Overview of GAAL

- a. The GAAL was established through an endowment from government in 1991 and it was integrated into the public service delivery system with the promulgation of the Public Finance Management Act in 1999. Building on the GAAL's effectiveness as a redistributive mechanism it was constituted as a Public Entity.
- b. GAAL is listed as a Schedule 3D as prescribed by the Public Finance Management Act (PFMA) (Act 1 of 1999, as amended).
- c. The Accounting Authority of the GAAL, the Board of Directors, reports to Limpopo Department of Transport and Community Safety. The nature of

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the relationship between the Board of Directors and its Executive Authority is set out in a Shareholder's Compact and implemented through the GAAL's Corporate Business Plan and Budget, which constitute a performance agreement between the Member of Executive Committee and GAAL, and comprise the basis for assessments of the GAAL's performance and impact as a Public Entity.

d. The Legal Services division of GAAL is responsible for the general provision of legal services to the organization.

e. Human Resource division is from time to time required to defend the organization at the CCMA or Labour Court.

f. Accordingly, GAAL is seeking to procure the services of qualified and experienced service providers (Law Firms) to assist GAAL in rendering legal and labour services on an Ad-hoc basis for specific assignments.

1.4 Expertise and Skills Required

- a. GAAL requires the services of qualified Attorneys and/or legal firm to render legal services in the fields as stated hereunder, to be appointed in each for a three (3) years contractual period.

1.5 Scope of Work

Firms of attorneys will be required to render services to GAAL on a wide range of legal matters relating to, amongst others, the following fields of law:

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- Public Private Partnership; Project Finance
- Commercial and Contract Law
- Civil Litigation
- Labour and Employment Law
- Constitutional Law
- Administrative Law
- Construction Law
- Corporate Law
- Insurance Law
- Corporate Governance
- Supply Chain Management
- Environmental Law
- Competition Law;
- Conveyancing;
- Data Privacy Law and
- Cyber Law
- Medical and/or Health Law

1.6 Special Conditions

- a. Service delivery levels and quality of the work will be a measure of appointment and retention in the panel;
- b. A firm of attorneys assigned any work may not cede, assign or sub-contract any part thereof to any person unless with the written consent of the GAAL



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or as may be required by the applicable laws, for instance, in cases where correspondent attorneys may be necessary;

- c. Fees shall be charged in accordance with the GAAL's Service Level Agreement, High Court Tariff of fees and Milestones mentioned therein. The Service Level Agreement will be signed with the successful bidders;
- d. There will be no guarantee that attorneys will receive instructions if they are appointed onto the GAAL's panel;
- e. All instruction(s) to the panel attorneys shall be given, in writing, by duly authorized representative of GAAL;
- f. The panel will be reviewed on a 3 yearly basis and attorneys on the panel may have to resubmit their proposals;
- g. GAAL shall be entitled in its discretion to remove a firm of attorneys from the panel before the expiry of the said 3 years' period by written notice and recall all the files in the possession of the said law firm;
- h. The general conditions of tender, contract and order will be applicable to this tender.
- i. Intellectual property rights:

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- All copyright and intellectual property rights that may result as consequences of the work to be performed will become the property of the GAAL;
 - Firms of attorneys must hand over all documents and information in any format, including copies thereof, that it received from the GAAL or that it had access to during the assignment immediately after completion of the assignments to the GAAL;
 - Firms of attorneys shall deliver to the GAAL, on completion of an assignment, any security devices, passwords or protective mechanisms to the soft versions of documents that were written, and the GAAL will have the right to amend and change these without obligation whatsoever to the firms of attorneys upon completion of the assignment.
- j. GAAL reserves the right, under exceptional circumstances, to appoint attorneys outside the panel attorneys.
- k. Successful bidders will be required to negotiate fees with advocates before a brief is finalised. Service Providers may not appoint Senior Counsel, unless written instruction to this effect has been received from GAAL.
- l. GAAL reserves the right to interview panel members that would have been short listed for specific assignments.
- m. In the event that any conflict of interest is discovered during a particular assignment, GAAL reserves the right to summarily cancel the services

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agreement and demand that all information, documents and property of GAAL be returned forthwith.

2. TENDER PROCEDURES

EVALUATION CRITERIA

All bids will be evaluated in terms of administrative & mandatory requirements, and functionality requirements.

Administrative (mandatory) Criteria (Gate 0)	Functionality Evaluation Criteria (Gate 1)
<p>Bidders must submit all documents as outlined in paragraph 2.1 (Table 1) below.</p> <p>Only bidders that comply with all these criteria will proceed to Gate 1.</p>	<p>Bidder(s) are required to achieve a minimum of 60 points out of 90 points to form part of the panel.</p>

2.1 Gate 0: Administrative (mandatory) requirements

Bidder(s) must submit the documents listed in **Table 1** below. All documents must be completed and signed in black ink by the duly authorized representative of the prospective bidder(s). **Correction fluid is not allowed and any cancellation on the bid document must be initialed by the authorized signatory.** During this phase, Bidders' responses will be evaluated based on compliance with the listed administration and mandatory bid requirements. The bidder(s) proposal may be disqualified for non-submission of any of the documents.



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#	Document Name ¹	Included in the published bid document?	To be returned by the bidder?	Bidder may tick Yes if document is submitted
GATE 0: ADMINISTRATION REQUIREMENTS EVALUATION				
	SBD 1 Invitation to Bid	Yes	Yes	
	Proof of authority must be submitted as per SBD 1 e.g. company resolution for the capacity under which this bid is signed.	No	Yes	
	SBD 3.3 Pricing Schedule	Yes	Yes	
	SBD 4 Bidders Disclosure	Yes	Yes	
	SBD 6.1 Preference Points Claim Form	Yes	Yes	
	Full updated CSD report	No	Yes	
MANDATORY REQUIREMENTS EVALUATION				
	Pricing Schedule (or bid offer/pricing)	No	Yes	
	The Bidder must provide confirmation letter of good standing from Legal Practice Council (LPC) of South Africa for the firm.	No	Yes	

¹ Table 1 is provided as guidance to assist bidders with documents that must be returned with the bid. The list is not exhaustive, and it is the responsibility of the bidder to provide all required documents as per the provision of each clause in this bid

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#	Document Name ¹	Included in the published bid document?	To be returned by the bidder?	Bidder may tick Yes if document is submitted
	The firm must provide the certificates of admission to practice as a legal practitioner for all professional legal practitioners.	No	Yes	
	The Bidder must submit valid certified copies of Fidelity Fund certificates for all Directorship/Partnership.	No	Yes	
GATE 1: FUNCTIONALITY COMPLIANCE EVALUATION				
	Firm's profile with organogram	No	Yes	
	Director /or Partner's comprehensive CV	No	Yes	
	Contactable reference letters (signed) from previous and existing client.	No	Yes	
	Proof of Firm's address	No	Yes	
OTHER DOCUMENTS REQUIRED				
	Bidders CIPC Company Registration Documents	No	Yes	
	General Condition of Contract	Yes	Yes	

GATE 0: ADMINISTRATIVE EVALUATION



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Bidders are required to submit the legislative documents to comply with the policy to guide uniformity in procurement reform processes in the Government regarding the standardised bidding documents (SBDs) for the supply chain management. It is also a requirement for bidders to submit additional documents as detailed below:

SBD 1 – Invitation to Bid

Proof of Authority – This is a Company Resolution for the capacity under which this bid is signed.

SBD 3.3 – Pricing schedule

SBD 4 – Bidders Disclosure

SBD 6.1 – Preference Points Claim Form

Central Supplier Database (CSD) – A full updated CSD report

MANDATORY REQUIREMENTS EVALUATION

During this gate, the bidders' responses will be evaluated based on the mandatory requirement.

Non-compliance to the mandatory requirement **will result in the disqualification** of the bid response.

Pricing/ Professional fees.

The persons available to provide the service must be identified and their CV's provided. An assignment fee may be negotiated for every assignment issued.

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2.2 Gate 1: Functionality Evaluation Criteria

All bidders are required to respond to the functionality evaluation criteria.

Only Bidders that have met the Administrative and/or Mandatory Criteria in (Gate 0) will be evaluated in Gate 1 for functionality as per below table:

Functionality Evaluation – Bidders will be evaluated out of 90 points and are required to achieve minimum threshold of 60 points to form part of the panel of attorneys; and

As part of due diligence, the entity may conduct a site visit at the bidders' place of business (as per the physical address provided by the bidder on SBD1) and/or at client of the Bidder (reference) for validation of the services previously rendered.

Evaluation Criteria for Functionality is as Follows:

VARIABLES	CRITERIA	DESCRIPTION OF CRITERIA	POINTS
Capacity (Bidder's Organogram Profile)	Directors/ Partners, Senior Associates, Professional Assistants, Candidate Attorneys and Admin Support = 25 Points	The bidder/s must submit a firm profile with an Organogram	25
	Directors/ Partners, Senior Associates, Professional Assistants and Candidate Attorneys = 20 Points	The bidder/s must indicate the proposed key personnel on their profile / organogram.	
	Directors/ Partners, Senior Associates, and Professional Assistants /or		

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	<table border="1"> <tr> <td>Candidate Attorneys = 15 Points</td> </tr> <tr> <td>Directors/ Partners and Senior Associates, = 10 Points</td> </tr> <tr> <td>Directors/ Partners = 5 Points</td> </tr> </table>	Candidate Attorneys = 15 Points	Directors/ Partners and Senior Associates, = 10 Points	Directors/ Partners = 5 Points				
Candidate Attorneys = 15 Points								
Directors/ Partners and Senior Associates, = 10 Points								
Directors/ Partners = 5 Points								
<p>Lead Personnel Experience</p> <p><i>(Director/Partner Relevant Experience)</i></p>	<table border="1"> <tr> <td>Above 10 years = 25 Points</td> </tr> <tr> <td>>6 – 10 years = 20 Points</td> </tr> <tr> <td>>3 – 6 years = 15 Points</td> </tr> <tr> <td>1 – 3 years = 10 Points.</td> </tr> <tr> <td>No experience = 0 Points</td> </tr> </table>	Above 10 years = 25 Points	>6 – 10 years = 20 Points	>3 – 6 years = 15 Points	1 – 3 years = 10 Points.	No experience = 0 Points	The bidder must submit the comprehensive CV with the background and years of experience (post admission) for Partner or Director in the area bidding for.	25
Above 10 years = 25 Points								
>6 – 10 years = 20 Points								
>3 – 6 years = 15 Points								
1 – 3 years = 10 Points.								
No experience = 0 Points								
<p>Firm Experience</p> <p><i>(Bidder's Relevant Firm Experience)</i></p>	<table border="1"> <tr> <td>5 and above Reference Letters = 25 Points</td> </tr> <tr> <td>4 Reference Letters = 20 Points</td> </tr> <tr> <td>3 Reference Letters = 15 Points</td> </tr> <tr> <td>2 Reference Letters = 10 Points.</td> </tr> <tr> <td>1 Reference Letter = 5 Points</td> </tr> </table>	5 and above Reference Letters = 25 Points	4 Reference Letters = 20 Points	3 Reference Letters = 15 Points	2 Reference Letters = 10 Points.	1 Reference Letter = 5 Points	<p>The bidder must submit reference letter/s from previous different clients where legal services were provided.</p> <p>The reference letter must be on a client's letter head, signed and dated.</p> <p>Points allocated for previous client references and submission in relation to nature of work.</p>	25
5 and above Reference Letters = 25 Points								
4 Reference Letters = 20 Points								
3 Reference Letters = 15 Points								
2 Reference Letters = 10 Points.								
1 Reference Letter = 5 Points								
	Capricorn District = 15	The bidder/s must submit proof of address/residence (e.g.	15					

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Company Demographic address/Company's	Outside Capricorn District = 10	Municipal bill document for rates and taxes, letter from traditional council/Chief authority/lease agreement or any other valid proof of address not less than 6 months.
	Outside of Limpopo Province = 5	
Total		90

The maximum points that can be scored on functionality equals to 90. Bidders scoring less than 60 points will be disqualified.

Bidders that fail to meet the minimum threshold for functionality will be disqualified.

Thereafter, **only the qualifying bid(s) will form part of the panel of attorneys.**

3. Bid Submission

Bid documents must be placed in the bid box OR couriered to the address on or before the stipulated closing date and time as indicated in the SBD1.

Bid documents will only be considered if received by the entity on or before the closing date and time.



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Bidders are required to submit their bids in two clearly marked envelopes as follows:-

ENVELOPE 1 (ADMINISTRATIVE AND/OR MANADATORY & FUNCTIONALITY)	ENVELOPE 2 (PRICE & SPECIFIC GOALS)
<p>Exhibit 1: Administrative and mandatory documents (<i>Refer to Section 2.1 - Gate 0: Administrative requirements (Table 1)</i>) and Detailed Pricing Schedule (<i>Pricing Submission</i>)</p>	<p>Exhibit 3: <i>Detailed Pricing Schedule (Pricing Submission)</i></p>
<p>Exhibit 2: Functionality Responses and Bidder Compliance Checklist for Technical Evaluation. Supporting documents for technical responses. (<i>Refer to Section 2.2 - Gate 2: Functionality Evaluation Criteria</i>)</p>	<p>Exhibit 4: SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022.</p>
<p>Exhibit 5: Any other supplementary information General Conditions of Contract (GCC)</p>	



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**PART A
INVITATION TO BID**

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	GAAL/113/2024/2025	CLOSING DATE:	23 AUGUST 2024	CLOSING TIME:	11:00
DESCRIPTION	APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AS REQUIRED AT GATEWAY AIRPORT AUTHORITY LIMITED.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
ADMIN BLOCK					
N1 NORTH TO MAKHADO					
GATEWAY WEG					
POLOKWANE, 0700					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	JULIUS RAMATJIE		CONTACT PERSON	ADV. KGABO SEBOLA	
TELEPHONE NUMBER	087-291-1088		TELEPHONE NUMBER	087-291-1054	
FACSIMILE NUMBER	015-288-0125		FACSIMILE NUMBER	015-288-0122	
E-MAIL ADDRESS	scmgroupp@gaal.co.za		E-MAIL ADDRESS	kgabo.sebola@gaal.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [[IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [[IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

**APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT
GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.**

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:.....
(Proof of authority must be submitted e.g. company resolution)

DATE:.....



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

SBD 3.3

PRICING SCHEDULE
(Professional Services)

NAME OF BIDDER:	BID NO.: GAAL/113/2024/2025
CLOSING TIME 11:00	CLOSING DATE: 23 AUGUST 2024

OFFER TO BE VALID FOR **150** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
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- The accompanying information must be used for the formulation of proposals.
- Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION	HOURLY RATE	DAILY RATE
-----	R-----	R-----
-----	R-----	R-----
-----	R-----	R-----



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5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----R-----days
-----R-----days
-----R-----days
-----R-----days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
-----	R.....
-----	R.....
-----	R.....
-----	R.....

TOTAL: R.....

all applicable taxes” includes value- added tax, pay as you earn, income tax, unemployment insurance contributions and skills development levies.



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Bid No.:

Name of Bidder:

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....

TOTAL: R.....

6. Period required for commencement with project after acceptance of bid

7. Estimated man-days for completion of project

8. Are the rates quoted firm for the full period of contract? *YES/NO

9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.

.....
.....
.....



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

BIDDER'S DISCLOSURE

SBD 4

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest² in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

² the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation. I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature	Date
.....
Position	Name



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20

APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

Total points for Price and Specific Goals	100
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- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) & \mathbf{or} & Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) & \mathbf{or} & Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises with ownership of 51% or more by person/s who are black	4	
Enterprises with ownership of 51% or more by person/s who are women	4	
Enterprises with ownership of 51% or more by person/s who are youth	4	
Enterprises with ownership of 51% or more by person/s with disability	2	
Small, Medium and Micro Enterprises (SMMEs and QSEs)	2	
Enterprises located in rural/township areas	4	
Total	20	

APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;



APPOINTMENT OF PANEL OF ATTORNEYS TO PROVIDE LEGAL SERVICES AT GATEWAY AIRPORT AUTHORITY LIMITED FOR A PERIOD OF 36 MONTHS.

- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
- (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

<p>.....</p> <p>SIGNATURE(S) OF TENDERER(S)</p> <p>SURNAME AND NAME:</p> <p>DATE:</p> <p>ADDRESS:</p> <p>.....</p>
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